

State of Misconsin 2009 - 2010 LEGISLATURE

# **2009 ASSEMBLY BILL 481**

- October 6, 2009 Introduced by Representatives PARISI, PASCH, ROYS, BLACK, BERCEAU, TURNER, SHILLING, DEXTER, GRIGSBY, SMITH and VRUWINK, cosponsored by Senators TAYLOR and VINEHOUT. Referred to Committee on Criminal Justice.
- 1 AN ACT to amend 939.645 (1) (b) and 939.645 (4) of the statutes; relating to: 2 making crimes based on gender of victim subject to a penalty enhancer and 3 providing a penalty.

### Analysis by the Legislative Reference Bureau

Current law provides an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's race, religion, color, disability, sexual orientation, national origin, or ancestry. This bill provides an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's gender. The penalty enhancer revises the maximum fine and the maximum term of imprisonment for the crime, and the revision is based on the classification of the underlying crime. If the underlying crime is a Class B or Class C misdemeanor, the revised maximum fine is \$10,000 and the revised maximum term of imprisonment is one year in the county jail. If the underlying crime is a Class A misdemeanor, the penalty enhancer changes the status of the crime to a felony and the revised maximum fine is \$10,000 and the revised maximum term of imprisonment is two years. If the underlying crime is a felony, the maximum fine may be increased by not more than \$5,000 and the maximum term of imprisonment may be increased by not more than five years.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 939.645 (1) (b) of the statutes is amended to read:  $\mathbf{2}$ 939.645 (1) (b) Intentionally selects the person against whom the crime under 3 par. (a) is committed or selects the property that is damaged or otherwise affected by 4 the crime under par. (a) in whole or in part because of the actor's belief or perception  $\mathbf{5}$ regarding the race, religion, color, disability, gender, sexual orientation, national 6 origin or ancestry of that person or the owner or occupant of that property, whether 7 or not the actor's belief or perception was correct. 8 **SECTION 2.** 939.645 (4) of the statutes is amended to read: 9 939.645 (4) This section does not apply to any crime if proof of race, religion, 10 color, disability, gender, sexual orientation, national origin or ancestry or proof of any 11 person's perception or belief regarding another's race, religion, color, disability, 12gender, sexual orientation, national origin or ancestry is required for a conviction for 13 that crime.

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## SECTION 3. Initial applicability.

15 (1) This act first applies to acts committed on the effective date of this16 subsection.

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(END)